

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**2:99CR2  
(MAXWELL)**

**ROBERT LEE KLEIN,**

**Defendant.**

**ORDER**

It will be recalled that on September 28, 1999, the Defendant, Robert Klein, plead guilty to Count Two of the indictment filed against him, which count charged the Defendant with giving a false statement to a federally licensed firearms dealer in violation of 18 U.S.C. §922(a)(6). On March 27, 2000, the Court sentenced the Defendant to a term of imprisonment of forty months to be followed by a 3-year term of supervised release. Defendant commenced supervision on January 10, 2003.

On July 19, 2004, the supervising probation officer filed a Petition for Warrant or Summons for Offender Under Supervision alleging that the Defendant had violated his supervised release by committing another crime, that is sexual abuse by a parent, custodian or guardian. The Docket in the above-styled criminal action reflects that a hearing on the Violation of Supervised Release was conducted by United States Magistrate Judge John S. Kaull on August 24, 2009. Also on August 24, 2009, Magistrate Judge Kaull entered his Report And Recommendation, wherein he recommends that the Court revoke the Defendant's supervised release and remand him to the custody of the Attorney General of the United States to serve an additional term of imprisonment of twenty-one (21)

months for violation of the terms of his supervised release, which time should be served consecutive to any State sentence.

Magistrate Kaull's Report And Recommendation advised the parties, pursuant to 28 U.S.C. § 636(b)(1), that any objections to said Report And Recommendation which were not filed, in writing, with the Clerk of Court within ten (10) days after being served with a copy of the Report and Recommendation, were waived. No objections have been received.

The Court has reviewed the record before it and has conducted a *de novo* review of all matters before Magistrate Judge John S. Kaull. Based upon its review, it appears to the Court that all issues were thoroughly considered by Magistrate Judge Kaull and that Magistrate Judge Kaull's Report And Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in the above-styled criminal action. The Court therefore finds that the Defendant has violated the terms of his supervised release, as set forth in the Magistrate Judge's Report and Recommendation. Accordingly, it is

**ORDERED** that Magistrate Judge Kaull's Report And Recommendation, entered in the above-styled criminal action on August 24, 2009, be, and the same hereby is, **ACCEPTED** in whole and that Magistrate Judge Kaull's recommended findings of fact and conclusions of law be adopted herein. It is further

**ORDERED** that the defendant's supervised release be, and the same hereby is, **REVOKED** in accordance with the recommendation of the Magistrate Judge. It is further

**ORDERED** that the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of twenty-one (21) months, to be served consecutive to any State sentence. A Judgment and Commitment Order will be entered contemporaneous herewith. It is further

**ORDERED** that the Defendant shall not be returned to a term of supervised release following service of the sentence of imprisonment herein imposed.

The Clerk of Court is directed to transmit copies of this order to counsel of record and to the probation office.

**ENTER:** September 15, 2009

  
United States District Judge